

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference PWO-883	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/CA 03/00183	International filing date (day/month/year) 07.02.2003	Priority date (day/month/year) 03.12.2002
International Patent Classification (IPC) or both national classification and IPC G06F17/60		
Applicant RESEARCH IN MOTION LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.  
  
☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of 14 sheets.

3. This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  01.12.2003	Date of completion of this report  14.05.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Beatty, J  Telephone No. +49 89 2399-7562  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/CA 03/00183

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-17 as originally filed

**Claims, Numbers**

1-54 received on 28.04.2004 with letter of 28.04.2004

**Drawings, Sheets**

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-54
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-54
Industrial applicability (IA)	Yes: Claims	1-54
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.**

**1. Documents**

Reference is made to the following document:

D1: WO 02 077768 A (CHUNG MICHAEL) 3 October 2002 (2002-10-03)

**2. Article 33(3) PCT**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-54 does not involve an inventive step in the sense of Article 33(3) PCT.

The document **D1** is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document) (cf. page 2, paragraphs 2-3; claims 1-17; page 27, paragraphs 1-4; figures 1,2)

A system (page 2, paragraphs 3 and 4) for selecting a folder for a current message, the folder being one of a plurality of folders (figures 1, 4-8; Entire pages 33 to 37), the system comprising:

- a) a storage module for storing a plurality of folders (page 2, paragraphs 3 and 4; figures 4-8);
- b) a communication module for receiving and transmitting the current message (page 34, paragraphs 2-8 recipient server);
- c) folder selection cache having  $n$  configurable entries,  $n$  being a pre-determined positive integer greater than one, each configurable entry being configurable to record an associated selection criterion for matching with the current message and an associated folder identification for identifying an associated folder in the plurality of folders (figure 1, step 110; page 28, paragraph 1);
- d) a message comparison module for comparing a comparison criterion, derived from the current message, with the associated selection criterion of at least one entry in the folder selection cache to determine a matching entry in the folder selection cache

(figure 1, step 110; page 34, paragraph 8);

e) a folder selection module for selecting the folder identified by the associated folder identification of the matching entry when the message comparison module determines the matching entry in the folder selection cache (figure 1, step 110; page 34, paragraph 8).

The subject-matter of claim 1 therefore differs from this known system in that:

The system of claim 1 provides a pre-selection of the folder to which a message may be stored whereas the system of D1 actually makes a selection and stores the message in a folder.

The problem to be solved by the present invention may therefore be regarded as how to provide a system that enables a user of the system to override the automatic placement of a message in a particular folder.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

The person skilled in the art when faced with the above problem would treat it as normal design practice to stop the automatic routine at the point where the user resumes control. It would be obvious to the skilled person that the user resumes control at the point where the system has made a selection (i.e. a pre-selection) such that the user may override the pre-selected folder with another folder. Thus, the skilled person would arrive at the subject-matter of the claim without making an inventive step.

The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claims 29 and 54, which therefore are also considered not inventive.

Dependent claims 2-28, 30-53 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step. The claims merely describe the processing of data for a non-technical purpose pre-selecting a folder in which to store a message) and as such pose no technical problem to be solved. The skilled person would therefore arrive at the subject-matter of the claims using straightforward programming techniques without

**WRITTEN OPINION  
SEPARATE SHEET**

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making an inventive step.